

### **REMARKS/ARGUMENTS**

In response to the Office Action dated November 1, 2006, claims 1, 3-5, 7 and 11 have been amended. Claims 1-11 are now pending in this application. No new matter has been added.

Claims 3, 4 and 7 have been amended to provide better form and the amendments are non-narrowing claim amendments.

### **REJECTION OF CLAIMS UNDER 35 U.S.C. § 102 AND § 103**

I. Claims 1, 6 and 8-10 have been rejected under 35 U.S.C. § 102(b) as being anticipated by JP 54-127769.

Claim 2-4 and 7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 54-127769 in view of Desage et al. (USPN 5,215,000).

II. As can be seen in Fig. 3 of the present application, cavity 40 is formed above the ceiling of the cooking chamber 20 and in a portion corresponding to the center of the ceiling. Support for this arrangement is provided at paragraph [0048] of the present application. In addition, top blowhole 43 is formed in the ceiling of the cooking chamber 20. Support for this arrangement is provided at paragraph [0049] and [0050]. Finally, it is well understood in patent law that the disclosure need not recite the claim language in *haec verba*. *In re Smith*, 481 F.2d 910, 178 USPQ 620 (CCPA 1973).

To expedite prosecution, independent claim 1 has been amended to delineate that:

c) a sub-cavity provided ***above and in a center of*** a ceiling of the cooking chamber;...

(e) a top blowhole which *is formed in the ceiling* of the cooking chamber, the top blowhole directed to the foods put in the cooking chamber;...

Neither JP 54-1277 nor Desage et al. discloses or suggests that a sub-cavity is provided *above and in a center of* a ceiling of the cooking chamber and that top blowhole *is formed in the ceiling* of the cooking chamber. Consequently, amended independent claim 1, as well as dependent claims 2-4 and 6-10, are patentable over JP 54-1277 and Desage et al., considered alone or in combination, and their allowance is respectfully solicited.

### **OBJECTED TO CLAIMS**

The indication that claims 5 and 11 are objected to, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims is acknowledged and appreciated.

By this response, claims 5 and 11 have been amended to be in independent form including all the limitations of base claim 1 and their respective intervening claims. Claim 5 has also been amended in the same manner as claim 1, 3 and 4, and claim 11 has also been amended in the same manner as claim 1.

It is believed that amended claims 5 and 11 are allowable.

### **CONCLUSION**

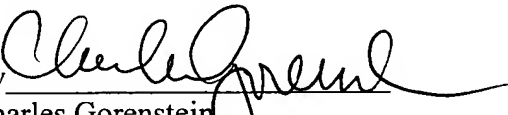
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Edward J. Wise (Reg. No. 34,523)

at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: February 1, 2007

Respectfully submitted,

By   
Charles Gorenstein  
Registration No.: 29,271  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant